SINGLE BENCH

(1)

IN THE HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION No. 3595 /2005

Petitioner

S. R. Dewangan
Aged about 60 years
s\o late T. Dewangan
Village & P.O. - Chhuri
Dist—Korba (CG)

Versus

Respondents

1. Coal India Ltd
Through its Chairman cum
Managing Director
10, Netaji Subhash Road
Kolkata 700001

2. South Eastern Coalfields Ltd.
Through its Chairman cum
Managing Director
Seepat Road,
Bilaspur (CG) 495006

3. Director (Personnel & I.R.)
Coal India Ltd
10, Netaji Subhash Road
Kolkata 700001

4. General Manager (Personnel)
Coal India Ltd
10, Netaji Subhash Road
Kolkata 700001

P.R. No. 3693/05
Presented by shri S.Mukhopadhyey
date 1.12.05

Writ Petition under Art 226 of the Constitution of India

(36)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3595 of 2005

Petitioner : S. R. Dewangan

Versus

Respondents : Coal India Ltd. & others

Shri Gary Mukhopadhyaya, Advocate for the petitioner.

Shri P. S. Koshy, Advocate for the respondents.

ORDER

(4th September, 2006)

1. In this petition, the petitioner has sought a direction from the respondents to promote the petitioner in M-1 grade w.e.f. 23.2.2005 i.e. the date from which his juniors were promoted, with consequential benefits.

2. The case of the petitioner is that he was appointed as Non-executive cadre in the year 1961. In the year 1994 he was promoted as Finance Manager in E-5 Grade and he was due for the next promotion from the year 1997 in next higher post i.e. M.-1 Grade. Vide order dated 23.2.2005, fifteen E-5 Officers have been promoted to the M-1 Grade out of which 14 persons are junior to the petitioner.

3. The respondents in their return have categorically stated that the petitioner was entitled to be promoted in the D.P.C. held in the year 2004, however, he could not be promoted on account of the fact that the executive evaluation report, which was a necessary document, was not available, therefore the case of the petitioner could not be considered.

4. The relevant part of the return reads as under:-

> "The contents stated in this paragraph are not disputed as regard length of service in E5 Grade put in by the petitioner and that the petitioner was eligible for promotion to M1 Grade. It is also submitted that the DPC did meet in the year 2004 for promotion of officers from E5 to M1 Grade. However, the fact remains that when the DPC was held, the DPC did not receive the EER, which is a document necessarily required for assessing the suitability of a candidate for promotion and in the absence of EERs of the petitioner required by the DPC, the case of promotion of the petitioner although considered could not be decided and actual promotion could not be granted during the tenure of service as thereafter the petitioner retired from service on attaining the age of superannuation. "

5. In view of the admitted case of the respondents, it is directed that the petitioner be considered for promotion on his being found fit in accordance with law w.e.f. the date his juniors were promoted and consequential monetary benefits be granted to the petitioner in view of the fact that the petitioner stands superannuated. The pension of the petitioner may also be revised, accordingly.

6. For the foresaid reasons, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur